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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,212	03/17/2005	Susan P. Rohrer	21029YP	3498

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EXAMINER	
KUDLA, JOSEPH S	

ART UNIT	PAPER NUMBER
1611	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/528,212	ROHRER ET AL.	
	Examiner	Art Unit	
	JOSEPH S. KUDLA	1611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) *2-6 and 9-16* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 7 and 8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/11/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Election/Restriction

1. Applicant's election of Group I, encompassing claims 1-8 and 16, and the species of disorder "perimenopausal depression" in the reply, filed on February 19, 2008, is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the Restriction requirement, filed on February 19, 2008, the election has been treated as an election without traverse (MPEP § 818.03(a)). The inventions contained in groups II, encompassing instant claims 9-15, and the non-elected species, encompassing instant claims 2-6, are withdrawn from consideration as being drawn to non-elected subject matter. See 37 CFR 1.142(b). Accordingly, the subject matter now under consideration is drawn to claims 1, 7 and 8.

Priority

2. This application claims priority of International Application PCT/US03/29068, filed September 15, 2003, which claims priority to Provisional Patent Application 60/411,919, filed September 19, 2002.

3. It is noted that this application appears to claim subject matter disclosed in prior Application PCT/US03/29068, filed September 15, 2003, which claims priority to Provisional Patent Application 60/411,919, filed September 19, 2002. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See

37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was

unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

Information Disclosure Statement

4. The Information Disclosure Statement (IDS) correspondences submitted by Applicant on February 17, 2006, June 23, 2006 and February 11, 2008 are acknowledged. The references have been reviewed to the extent each is a proper citation on a U.S. Patent.

Abstract

5. The abstract of the disclosure is objected to because The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR

1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 7 and 8 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while perhaps being enabling for a fluorenone compound or subgenus as an estrogen receptor beta selective agonist , does not reasonably provide enablement for the multitudes of possible compounds encompassed by estrogen receptor beta selective agonist. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims without undue experimentation, to treat the conditions outlined in the claims (e.g. perimenopausal depression). Estrogen receptor beta selective agonist enabled in the art span a wide range of compounds. Barlaam et al. (WO 02/30407, previously cited to break unity) teaches benzopyran derivates, coumarin derivatives and chroman derivatives have been shown to exert estrogen receptor beta selective agonist activity. By claiming the entire genus of estrogen receptor beta selective agonists, Applicants are attempting to claim any and all compounds that display this structure/activity relationship. The instant specification is

not enabled for this claim and undue experimentation would be required of one of ordinary skill in the art to establish was in possession of this genus at the time of the invention.

Undue experimentation is a conclusion reached by weighing the noted factual considerations set forth below as seen in *In re Wands, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988)*. A conclusion of lack of enablement means that, based on the evidence regarding a fair evaluation of an appropriate combination of the factors below, the specification, at the time the application was filed, would not have taught one skilled in the art how to make and/or use the full scope of the claimed invention without undue experimentation.

These factors include:

(A) The breadth of the claims;

(B) The nature of the invention;

(C) The state of the prior art;

(D) The level of one of ordinary skill;

(E) The level of predictability in the art;

(F) The amount of direction provided by the inventor;

(G) The existence of working examples; and

(H) The quantity of experimentation needed to make or use the invention

based on the content of the disclosure.

The breadth of the claims

The breadth of the instant claims is extremely broad due to the large number of compounds that could be utilized as an estrogen receptor beta selective agonist in a mammal. Claims 1, 7 and 8 are seen to encompass compounds ranging "numerous chemical classes" and "biomolecules" and a method using said compounds for the treatment of perimenopausal depression. Applicant has not provided sufficient evidence to support a claim drawn to all forms of estrogen receptor beta selective agonists.

The nature of the invention

Claims 1, 7 and 8 are directed to estrogen receptor beta selective agonists that are orally active and are CNS-penetrating.

The state of the prior art

The state of the prior art, as demonstrated by Barlaam et al. *supra* and Parker et al, (WO 01/82923) and Meng et al. (US Patent 7,157,604) and Soares et al., shows that estrogen replacement therapy (ERT) is a valid way to combat perimenopausal depression (Soares et al. in Abstract). However, it has been found that the estrogen receptor beta selective agonists are much preferred to the estrogen receptor alpha selective agonists, because the beta agonist lacks all of the undesirable effects of ERT

(Balaam et al. at page 2, lines 16-19 and 25-26. Barlaam et al. teaches that even with compounds that possess a similar core, the selectivity of the agonist toward the alpha or beta receptor can vary greatly (page 12, table and page 22, table). Since the Applicant has failed to claim a specific compound or a subgenus, Applicant has not taught one skilled in the art how to make and/or use the full scope of the claimed invention without undue experimentation.

The level of predictability in the art

The instant claimed invention is highly unpredictable. Due to the unpredictability in the pharmaceutical art, it is noted that each embodiment of the invention is required to be individually assessed for physiological activity by screening the compounds by some art accepted method to determine which compounds exhibit the desired pharmacological activity.

Claiming the genus, estrogen receptor beta selective agonists, is speculation.

The existence of these obstacles establishes that the contemporary knowledge in the art would prevent one of ordinary skill in the art from accepting any therapeutic regimen on its face. *In re Fisher, 427 F. 2d, 833, 166 USPQ 18 (CCPA 1970)*, indicates that the more unpredictable an area is, the more specific enablement is necessary in order to satisfy the statute. Hence, in the absence of claiming a specific compound or

subgenus, one of skill in the art is unable to fully predict possible results from the administration of the compound.

The amount of direction provided by the inventor

The instant specification is not seen to provide adequate guidance, which would allow the skilled artisan to extrapolate from the disclosure and examples provided, to use the claimed method commensurate in the scope with the instant claims. Applicant provides limited guidance with fluorenone compounds, but no sufficient support to enable the entire genus of estrogen receptor beta selective agonists.

To provide evidence of possession of a claimed genus, the specification must provide sufficient distinguishing identifying characteristics of the genus. The factors to be considered include disclosure of a complete or partial structure, physical and/or chemical properties, functional characteristics, structure/function correlation, methods of making the claimed product, or any combination thereof. In this case, there is no identification of any particular functional and/or structural characteristic that would serve to define the entire genus in the claims. The scope of the claims thus includes numerous organic and inorganic compounds potentially capable of use in the claimed treatment method. The general knowledge and level of skill in the art do not supplement the omitted description because specific, not general, guidance is what is needed.

With the possible exception of the fluorenone compounds, the skilled artisan cannot envision the detailed chemical structure or pharmacological characteristics of the all of the encompassed compounds that would possess estrogen receptor beta

selective agonists, and therefore conception is not achieved until reduction to practice has occurred, regardless of the complexity or simplicity of the method of treatment. Adequate written description requires more than a mere statement that an estrogen receptor beta selective agonist is part of the invention and reference to a potential method of using it. The compound itself is required. See *Fiers v. Revel, 25 USPQ2d 1601 at 1606 (CAFC 1993) and Amgen Inc. v. Chugai Pharmaceutical Co. Ltd., 18 USPQ2d 1016*.

The existence of working examples

A conclusion of lack of enablement means that, based on the evidence regarding each of the above factors, the specification, at the time the application was filed, would not have taught one skilled in the art how to make and/or use the full scope of the claimed invention without undue experimentation (*In re Wright, 999 F. 2d 1557, 1562; 27 USPQ 2d 1510, 1514 (Fed. Cir. 1993)*). The specification lacks sufficient disclosure to support applicant's claims of a method for the treatment of perimenopausal depression listed in instant claims 1, 7 and 8. There is not seen sufficient working examples or data from references on the prior art providing a nexus between that which applicant asserts as proof of a method for the treatment of perimenopausal depression and that disclosure which Applicant has actually provided.

The quantity of experimentation needed to make and use the invention based on the content of the disclosure

Based on the unpredictable nature of the invention, the state of the prior art, and the extreme breadth of the claims, one skilled in the art could not use the entire scope of the claimed invention without undue experimentation. With respect to the all encompassing genus of estrogen receptor beta selective agonists which Applicant has claimed, the quantity of experimentation needed would be to provide every core structure that exerted the beta agonist activity and demonstrate through prior art, exemplification or scholarly discussion why each core would be expected to perform as claimed. This level of enablement would be great and Applicant's instant specification is not seen as being sufficient.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker et al. (International Application WO 01/82923 and cited by Applicant), in view of Soares et al. ("Efficacy of Estradiol for the Treatment of Depressive States in Perimenopausal Women," 2001, Arch. Gen. Psychiatry, Volume 58, Pages 529-524 and cited by Applicant).

Parker et al. teach estrogen receptor agonists (page 13, lines 1-20) where the agonist has specificity to the beta receptor (page 13, lines 4-50). Parker et al. teach the compound can be used to treat depressive states in a mammal (instant claim 21) and can be administered in oral form (page 20, lines 31-35).

Parker et al. does not teach the depressive state is perimenopausal depression or that the estrogen receptor agonists increase the transcription of TPH or that the agonist can penetrate the CNS.

Soares et al. teach estradiol can be used in estrogen replacement therapy to treat perimenopausal depression (Abstract). Soares et al. teach that the use of estrogen replacement for the treatment of menopausal symptoms has been shown to enhance "psychological well-being" Page 529, column 1, paragraph 2, sentence 1).

Although the Parker et al. reference does not teach that the administration of an estrogen receptor beta agonist increases the transcription of TPH in a mammal, as recited in instant claim 1, the administration of the estrogen receptor beta agonist will

inherently produce the pharmacological limitation that Applicant claims as his invention (see MPEP 2112.01 II, "Products of identical chemical composition cannot have mutually exclusive properties." A chemical composition and its properties are inseparable. Therefore, if the prior art teaches the identical chemical structure, the properties applicant discloses and/or claims are necessarily present. In re Spada, 911 F.2d 705, 709, 15 USPQ2d 1655, 1658 (Fed. Cir. 1990)), and, as such, it would be expected that estrogen receptor beta agonists would increase the transcription of TPH. Therefore, absent evidence to the contrary from applicant, the composition taught by Parker et al. and that disclosed by Applicant will possess the same pharmacological properties since the receptor agonist(s) is/are identical and cannot have mutually exclusive properties.

It would have been obvious to one of ordinary skill in the art at the time of the invention, that the depressive states which the estrogen receptor beta agonists would be expected to treat would include perimenopausal depression, since these compounds would mimic estrogen replacement as taught by Soares et al. Coupling this with the fact that any estrogen receptor beta agonists would inherently increase the transcription of TPH in a mammal will render instant claim 1 obvious.

It would have been obvious to one of ordinary skill in the art at the time of the invention, that because an oral dosage is taught by Parker et al., that the estrogen receptor beta agonists are orally active, thus rendering instant claim 7 obvious.

It would have been obvious to one of ordinary skill in the art at the time of the invention, that for the estrogen receptor beta agonists to treat the depressive state, that

the agonist would have to travel to the location of the receptor (i.e., within the CNS), thus rendering instant claim 8 obvious.

Therefore, the teachings of Parker et al., in view of Soares et al., render the claimed invention obvious.

8. Claims 1, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barlaam et al. (International Application WO 02/30407 and previously cited), in view of Soares et al. ("Efficacy of Estradiol for the Treatment of Depressive States in Perimenopausal Women," 2001, Arch. Gen. Psychiatry, Volume 58, Pages 529-524 and cited by Applicant).

Barlaam et al. teach estrogen receptor beta selective agonists that mimic the beneficial effects of estrogen replacement therapy on the brain (page 2, lines 16-19) to treat depressive disorders (reference claim 5) in humans (page 11, lines 25-26). Barlaam et al. teach the compound can be administered in oral form (page 12, line 7).

Barlaam et al. does not teach the depressive state is perimenopausal depression or that the estrogen receptor agonists increase the transcription of TPH.

Soares et al. teach estradiol can be used in estrogen replacement therapy to treat perimenopausal depression (Abstract). Soares et al. teach that the use of estrogen replacement for the treatment of menopausal symptoms has been shown to enhance "psychological well-being" Page 529, column 1, paragraph 2, sentence 1).

Although the Barlaam et al. reference does not teach that the administration of an estrogen receptor beta agonist increases the transcription of TPH in a mammal, as

recited in instant claim 1, the administration of the estrogen receptor beta agonist will inherently produce the pharmacological limitation that Applicant claims as his invention (see MPEP 2112.01 II, "Products of identical chemical composition cannot have mutually exclusive properties." A chemical composition and its properties are inseparable. Therefore, if the prior art teaches the identical chemical structure, the properties applicant discloses and/or claims are necessarily present. In re Spada, 911 F.2d 705, 709, 15 USPQ2d 1655, 1658 (Fed. Cir. 1990)), and, as such, it would be expected that estrogen receptor beta agonists would increase the transcription of TPH. Therefore, absent evidence to the contrary from applicant, the composition taught by Barlaam et al. and that disclosed by Applicant will possess the same pharmacological properties since the receptor agonist(s) is/are identical and cannot have mutually exclusive properties.

It would have been obvious to one of ordinary skill in the art at the time of the invention, that the depressive states which the estrogen receptor beta agonists would be expected to treat would include perimenopausal depression, since these compounds would mimic estrogen replacement as taught by Soares et al. Coupling this with the fact that any estrogen receptor beta agonists would inherently increase the transcription of TPH in a mammal will render instant claim 1 obvious.

It would have been obvious to one of ordinary skill in the art at the time of the invention, that because an oral dosage is taught by Barlaam et al., that the estrogen receptor beta agonists are orally active, thus rendering instant claim 7 obvious.

It would have been obvious to one of ordinary skill in the art at the time of the invention, that since the estrogen receptor beta agonists treats the brain as taught by Barlaam, that the agonist is within the CNS, thus rendering instant claim 8 obvious.

Therefore, the teachings of Barlaam et al., in view of Soares et al., render the claimed invention obvious.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory

double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

U.S. Patent 7,157,604

9. Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 11-14 and 16 of U.S. Patent No. 7/157/604. Although the conflicting claims are not identical, they are not patentably distinct from each other because reference claims 11-14 and 16 teach a method of treating depression with an estrogen receptor beta agonist. The reference's specification clearly states the depression the estrogen replacement therapy can treat is perimenopausal depression (column 2, lines 31-45) and that the receptor agonists are selective (Title).Therefore, one of ordinary skill in the art at the time of the invention would have realized the treatment of perimenopausal depression would be included in the depressive states the estrogen receptor beta agonist would treat, including oral dosages, thus rendering instant claim 1 obvious.

No claims allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Kudla whose telephone number is (571) 270-3288. The examiner can normally be reached on 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached on (571) 272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph S. Kudla/
Examiner, Art Unit 1611
May 21, 2008

/MP WOODWARD/
Supervisory Patent Examiner, Art Unit 1615